

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:18-00275

KIMBERLY HALL

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant Kimberly Hall's motion to continue the trial and all related deadlines for a period of at least thirty days. (ECF No. 21). In support of defendant's motion and the need for a continuance, defense counsel states that she needs additional time due to the nature and complexity of the charges. Specifically, counsel for defendant seeks additional time to complete his investigation of the Government's allegations concerning the counts charged and to consider what, if any, pretrial motions need to be filed. The government does not oppose a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue. In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that the nature

of the prosecution makes it unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. The court further finds that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

- I. Trial of this action is continued until April 3, 2019, at 9:30 a.m., in Bluefield. Jury instructions and proposed voir dire are to be filed by March 27, 2019;
- II. All pretrial motions are to be filed by February 21, 2019;
- III. A pretrial motions hearing before the undersigned is scheduled for February 28, 2019, at 10:00 a.m., in Bluefield;
- IV. Pursuant to 18 U.S.C. § 3161(h) (7) (A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 22nd day of January, 2019.

ENTER:



David A. Faber
Senior United States District Judge